IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 3012 OF 2007

1. Machis Tukaram Pawar.
2. Bharat Rupchand Kale. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Kiran C. Shirguppe for the applicants.

Ms.M.H.Mhatre, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 24th September 2007.

P.C.:

. Heard learned counsel for the applicants and learned A.P.P. for the State.

2. The applicants are seeking bail in connection with CR.No.23/2007 registered with Atapadi Police Station, district- Sangli for the offences punishable under sections 147, 148, 149, 307 and 302 read with section 34 of Indian Penal Code.

3. This application appears to have been moved by the applicants after getting the bail application rejected at the hands of the Sessions Court vide order dated 29th August, 2007 passed in Sessions Case

No.144/2007. The learned for the applicants submits that the applicants are falsely implicated in the offence alleged. As against this, learned A.P.P., appearing for the State submits that looking to the contents of F.I.R. the role of each applicant in commission of the offence is, *prima facie*; established so as to connect them with the offence alleged. There is also recovery from them. Under these circumstances, according to learned A.P.P., this is not a fit case for grant of bail.

4. Having heard rival parties, having seen the order of the Sessions Court, the learned Sessions Judge in his order dated 29th August, 2007 has categorically mentioned that there are eye witnesses to the incident. Even some of the witnesses have sustained injuries at the time of incident. There is a prima facie evidence which points out broad day-light assault by the accused individually as well as pursuant to their common intention resulting in death of Vijya Pawar and grievous hurt to Doulusha. This aspect of the matter has also resulted in rejection of bail application of the applicants. I fully concur with the reasons recorded by the learned Sessions Judge. Having seen material on record, this is not a fit case for grant of bail.

. Application is, therefore, rejected.

JUDGE